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## DECLARATION

As a below named inventor(s), I/We hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled FOOD PRODUCTS CONTAINING POLYPHENOL(S) AND L-ARGININE TO STIMULATE NITRIC OXIDE PRODUCTION, the specification of which (check one) ☐ is attached hereto ☒ was filed on April 19, 1999 as Application Serial No. 09/284,783 and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

### Prior Foreign Application(s)

Priority Claimed

(Number)	(Country)	Day/month/year filed	Yes	No
(Number)	(Country)	Day/month/year filed	Yes	No

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below.

(Application Number)	Filing Date (MM/DD/YY)
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I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

PCT/US99/05545	March 12, 1999	Pending
(Application Serial No.)	(Filing date)	(patented, pending, abandoned)
09/041,327	March 12, 1998	Pending
(Application Serial No.)	(Filing date)	(patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Wherefore I pray that Letters Patent be granted to me for the invention or discovery described and claimed in the foregoing specification and claims, and I hereby subscribe my name to the foregoing specification and claims, declaration, power of attorney, and this petition.

**Full name of sole or first inventor** Kati A. Chevaux

Inventor's signature Kati Chevaux Date: 6-2-99

Residence 5 Sycamore Way, Mount Arlington, New Jersey 07856

Citizenship United States

Post Office Address same as above

**Full name of second inventor** Harold H. Schmitz

Inventor's signature Harold H. Schmitz Date: 6/2/99

Residence 61 Harlan School Road, Branchburg, New Jersey 08876

Citizenship United States

Post Office Address \_\_\_\_\_

**Full name of third inventor** Leo J. Romanczyk, Jr.

Inventor's signature Leo J. Romanczyk, Jr. Date: 25 June 1999

Residence 4 Fern Drive, Hackettstown, New Jersey 07840

Citizenship United States

Post Office Address \_\_\_\_\_



UNITED STATES DEPARTMENT OF COMMERCE  
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SEPTEMBER 17, 1999

PTAS

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NEW YORK, NY 10166-0153



\*101094242A\*

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RECORDATION DATE: 07/15/1999

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BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

CHEVAUX, KATI A.

DOC DATE: 06/02/1999

ASSIGNOR:

SCHMITZ, HAROLD H.

DOC DATE: 06/02/1999

ASSIGNOR:

ROMANCZYK, LEO J. JR.

DOC DATE: 06/25/1999

ASSIGNEE:

MARS, INCORPORATED  
6885 ELM STREET  
MCLEAN, VIRGINIA 22101-3883

SERIAL NUMBER: 09284783  
PATENT NUMBER:

FILING DATE:  
ISSUE DATE:

## ASSIGNMENT

We, Kati A. Chevaux, Harold H. Schmitz and Leo J. Romanczyk, Jr., who reside respectively at: **5 Sycamore Way, Mount Arlington, New Jersey 07856; 61 Harlan School Road, Branchburg, New Jersey 08876; 4 Fern Drive, Hackettstown, New Jersey 07840**, have made certain inventions or discoveries (or both) set forth in an application for Letters Patent of the United States of America entitled: **FOOD PRODUCTS CONTAINING POLYPHENOL(S) AND L-ARGININE TO STIMULATE NITRIC OXIDE PRODUCTION**, which application was executed by us and **MARS, INCORPORATED**, whose address is **6885 Elm Street, McLean, VA 22101-3883**, and which, together with its successors and assigns is hereinafter called "Assignee", is desirous of acquiring the title, rights, benefits and privileges hereinafter recited, and of confirming the same or any part thereof heretofore acquired by Assignee.

Now, therefore, for valuable consideration furnished by Assignee to us, receipt and sufficiency of which we hereby acknowledge, we hereby, without reservation:

1. Assign and convey to and confirm in Assignee the entire right, title and interest in and to said inventions and discoveries, said application for Letters Patent of the United States of America, and any and all other applications for Letters Patent on said inventions and discoveries in whatsoever countries, including all divisional, renewal, substitute, continuation and Convention applications based in whole or in part upon said inventions or discoveries or upon said applications, and any and all Letters Patent and reissues and extensions of Letters Patent granted for said inventions and discoveries or upon said applications, and every priority right that is or may be predicated upon or arise from said inventions, said discoveries, said applications and said Letters Patent;
2. Authorize Assignee to file patent applications in any or all countries on any or all of said inventions and discoveries in our names or in the name of Assignee or otherwise as Assignee may deem advisable, under the International Convention or otherwise;
3. Authorize and request the Commissioner of Patents of the United States of America and the empowered officials of all other governments to issue or transfer all said Letters Patent to Assignee, as assignee of the entire right, title and interest therein or otherwise as Assignee may direct;
4. Warrant that we have not knowingly conveyed to others any right in said inventions, discoveries, applications or patents or any license to use the same or to make, use or sell anything embodying or utilizing any of said inventions or discoveries; and that we have good right to assign the same to Assignee without encumbrance;
5. Bind our heirs and legal representatives, as well as ourselves to do, upon Assignee's request, and at its expense, but without additional consideration to us or them, all acts reasonably serving to assure that the said inventions and discoveries, the said patent applications and the said Letters Patent shall be held and enjoyed by Assignee as fully and entirely as the same could have been held and enjoyed by us or our heirs or representatives if this assignment had not been made; and particularly to execute and deliver to Assignee all lawful application documents including petitions, specifications, and oaths, and all assignments, disclaimers, and lawful affidavits in form and substance as may be requested by Assignee to communicate to Assignee all facts known to us relating to said inventions and

discoveries or the history thereof; and to furnish Assignee with any and all documents, photographs, models, samples and other physical exhibits in our control or in the control of our heirs or legal representatives and which may be useful for establishing the facts of our conceptions, disclosures, and reduction to practice of said inventions and discoveries.

The effective date of this instruction is the 2 day of June, 1999.

In testimony of which we have affixed our signatures.

Kati Chevaux  
Kati A. Chevaux

State of New Jersey )  
County of Morris ) ss.:

On this 2 day of June, 1999 before me appeared Kati A. Chevaux, to me known and to me to be the person described in and who executed the foregoing instrument and she acknowledged the same to be her free act and deed.

Bettie Jan Restrepo  
Notary Public

(OFFICIAL SEAL)

BETTIE JAN RESTREPO  
Notary Public State of New Jersey  
My Commission Expires January 26, 2003

Harold H. Schmitz  
Harold H. Schmitz

State of New Jersey )  
County of Morris ) ss.:

On this 2<sup>nd</sup> day of June, 1999 before me appeared Harold H. Schmitz, to me known and to me to be the person described in and who executed the foregoing instrument and he acknowledged the same to be his free act and deed.

Bettie Jan Restrepo  
Notary Public

(OFFICIAL SEAL)

BETTIE JAN RESTREPO  
Notary Public State of New Jersey  
My Commission Expires January 26, 2003

Leo J. Romanczyk, Jr.  
Leo J. Romanczyk, Jr.

State of Virginia )  
County of ) ss.:  
)

On this 25 day of June, 1999 before me appeared Leo J. Romanczyk, Jr., to me known and to me to be the person described in and who executed the foregoing instrument and he acknowledged the same to be his free act and deed.

Beatrice J. Mendelsohn  
Notary Public  
Commonwealth of Virginia  
Com. Expires: Aug 31, 2000

(OFFICIAL SEAL)